Remarks

Applicant filed a Supplemental Information Disclosure Statement (IDS), along with a copy of each cited reference, on July 31, 2002 in the application. However, in the Final Office Action, the Examiner did not acknowledge the receipt thereof. As such, applicant encloses herewith a true copy of the Supplemental IDS filed, and a return postcard acknowledging by the PTO the receipt thereof on August 6, 2002. Applicant, again, respectfully requests that the references cited in the Supplemental IDS be made of record.

Claims 129-154 stand rejected under 35 U.S.C. 102(e) as being allegedly anticipated by Ross. In response, base claims 129, 137 and 146 have been amended. Claims 134, 135, 143, 145, 152 and 153 have also been amended to properly reference the amended base claims or improve their form. Accordingly, a Version with Markings to Show Changes Made to these claims is enclosed. In addition, claims 138 and 147 have been cancelled.

The invention is directed to a technique for assisting a user of a vehicle to select a service provider (e.g., a service station) for servicing the vehicle when maintenance of the vehicle is required. In accordance with the invention, once it is determined that the vehicle needs maintenance, data (e.g., GPS data) concerning locations of one or more service providers is obtained. Data (e.g., GPS data) concerning the current location of the vehicle is also obtained. The closest service provider is identified based on a comparison of the respective GPS data. The closest service provider is selected to provide the maintenance service when such a service provider is within a predetermined distance (e.g., 5 miles) from the current location of the vehicle. See page 27, line 17 et seq. of the specification. In other words, despite the fact that it is closest to the current location of the vehicle, the closest service provider may not be selected to provide the maintenance service unless it is within, e.g., 5 miles thereof.

For example, amended claim 129 now recites that "determining, of the at least first and second service providers, a closer service provider to the current location of the vehicle based on the data concerning the current location of the vehicle and the data concerning the locations of the at least first and second service providers; and selecting the closer service provider to provide the maintenance service when the closer service provider is within a predetermined distance from the current location of the vehicle."

Ross discloses use of a PDA to process vehicle status information which is docked to a cradle running certain software. Based on the vehicle status information, the PDA determines, "should vehicle maintenance be required, the location and distance to the nearest repair facility." Col. 10, lines 31-32 of Ross. However, as discussed before, the claimed invention, represented by amended claims 129, 137 and 146, requires that the selected service provider for providing the maintenance service satisfy two conditions, namely, (1) closest to the current location of the vehicle, and (2) within a predetermined distance from the current location of the vehicle. Thus, the nearest repair facility selected in Ross, at best, satisfies condition (1). However, it is not required to satisfy condition (2) requiring that the nearest repair facility be also within, e.g., 5 miles from the current location of the vehicle in order to be selected according to the invention. As such, the claimed invention is not anticipated by Ross. Nor is it obvious from reading Ross. Thus, amended claims 129, 137 and 146, together with their dependent claims, are patentable over Ross.

In addition, claims 129-132, 134-141, 143-150, and 152-154 stand rejected under 35 U.S.C. 102(e) as being allegedly anticipated by Blaker.

Blaker discloses a technique for notifying a driver to exit a limited access highway for fuel in accordance with a last exit warning subroutine (50). See Fig. 4 of Blaker. However, an invocation of subroutine 50 is contingent upon "whether the last exit flag is set. If it is not set, the subroutine is not called up." Col. 4, lines10-14 of Blaker. Thus, at

the outset, Blaker does not even apply to the claimed invention as nowhere does Blaker teach or suggest triggering the vehicle assistance process "when it is determined that the vehicle needs the maintenance service," as amended claims 129, 137 and 146 recite. Rather, Blaker discloses that if the last exit flag is set, subroutine 50 would repeatedly be invoked at each forthcoming highway exit. Subroutine 50 would then compare the distance from the vehicle's current location to each of the service areas S1 at an upcoming exit and S2 at a farther exit to determine if the remaining fuel in the vehicle is sufficient to reach S2. If the distance to S2 is greater than the range available to the vehicle, the driver is notified to get off the upcoming exit to refuel at S1. Otherwise, the driver is not alerted, and proceeds to the next exit, at which point subroutine 50 is, again, invoked as long as the last exit flag is set. However, nowhere does Blaker teach or suggest that the last exit flag be set, thereby triggering subroutine 50, depending on the amount of the remaining fuel in the vehicle, or "when it is determined that the vehicle needs the maintenance service" as in the claimed invention.

In addition, Blaker fails to teach or suggest selecting a service provider "within a predetermined distance from the current location of the vehicle," as claims 129, 137 and 146 also recite. The Examiner postulated that "a predetermined distance [is] set based on the remaining fuel" in Blaker. However, the Examiner's postulation is simply incorrect. Applicant respectfully submits that an amount of the remaining fuel may be translatable to a predetermined distance if (a) the amount of the remaining fuel is predetermined, and (b) the mileage (miles per unit of the fuel) of the vehicle is constant. However, assumption (b) is invalid because the mileage of a vehicle varies with the actual vehicle speed (e.g., highway vs. local street), road condition (e.g., snow vs. clear), traffic condition, etc., and thus cannot be constant. Further, even assuming, *arguendo*, that assumption (b) is valid for a moment, the amount of the remaining fuel in Blaker varies form exit to exit even on the same highway, and certainly cannot be said predetermined

when subroutine 50 is invoked at a forthcoming exit, thereby invalidating assumption (a). As such, the claimed invention is not anticipated by Blaker. Nor is it obvious from reading Blaker. Thus, amended claims 129, 137 and 146, together with their dependent claims, are patentable over Blaker.

The Examiner also rejected claims 133, 142 and 151 under 35 U.S.C. 103(a) as being allegedly obvious over Blaker in view of DeGraaf. According to the Examiner, DeGraaf discloses a navigation system with vehicle service information capable of guiding the vehicle from its current position to a selected service provider. Even assuming, *arguendo*, that the Examiner's characterization of DeGraaf is accurate, claims 133, 142 and 151 are patentable over Blaker in view of DeGraaf by virtue of their dependency on amended claims 129, 137 and 146, which are patentable for the reasons stated above.

In view of the foregoing, each of claims 129-137, 139-146, and 148-154, as amended, is believed to be in condition for allowance. Accordingly, reconsideration of these claims is requested and allowance of the application is earnestly solicited.

Respectfully,

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By _____
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Date: November 19, 2002
Enclosures

VERSION WITH MARKINGS TO SHOW CHANGES MADE

129. (Twice Amended) A method for assisting a user of a vehicle comprising:

determining whether the vehicle needs a maintenance service;

obtaining [GPS] data concerning [a location] locations of at least [one] first and second service [provider] providers for providing the maintenance service when it is determined that the vehicle needs the maintenance service;

obtaining [GPS] data concerning a current location of the vehicle; [and]

determining, of the at least first and second service providers, a closer service provider to the current location of the vehicle based on the data concerning the current location of the vehicle and the data concerning the locations of the at least first and second service providers; and

[comparing the GPS data concerning the location of the at least one service provider with the GPS data concerning the current location of the vehicle in] selecting [a] the closer service provider [within a predetermined distance from the current location of the vehicle] to provide the maintenance service when the closer service provider is within a predetermined distance from the current location of the vehicle.

134. (Amended) The method of claim 129 [further comprising determining a distance between a location of the selected service provider and the current location of the vehicle based on the respective] wherein the data concerning the locations of the at least first and second service providers includes GPS data.

135. (Amended) The method of claim [134] 129 wherein the [selected service provider is selected based on the distance] data concerning the current location of the vehicle includes GPS data.

137. (Twice Amended) A method for use in a system in a vehicle comprising:

storing [GPS] data concerning locations of a plurality of service providers;

[identifying a condition of] determining whether the vehicle needs a maintenance service;

retrieving [GPS] at least part of the data [concerning a location of at least one of the plurality of service providers] in response to [the condition] a determination that the vehicle needs the maintenance service; [and]

comparing [GPS] data concerning a current location of the vehicle with the retrieved [GPS] data to [select a] identify one of the plurality of service providers which is closest to the current location of the vehicle and provides the maintenance service; and

selecting the identified service provider to provide the maintenance service when the identified service provider is within a predetermined distance from the current location of the vehicle [to attend to the condition].

143. (Amended) The method of claim 137 [further comprising determining a distance between a location of the selected service provider and the current location of the vehicle based on the respective] wherein the retrieved data includes GPS data.

145. (Amended) The method of claim [143] 137 wherein the [selected service provider is selected based on the distance] data concerning the current location of the vehicle includes GPS data.

146. (Twice Amended) A system for use in a vehicle comprising:

a memory for storing [GPS] data concerning locations of a plurality of service providers;

a mechanism for [identifying a condition of] determining whether the vehicle needs a maintenance service, [GPS] at least part of the data [concerning at least one of the plurality of service providers] being retrieved from the memory in response to [the

condition] a determination that the vehicle needs the maintenance service; and

a processor for comparing [GPS] data concerning a current location of the vehicle with the retrieved [GPS] data to identify one of the plurality of service providers which is closest to the current location of the vehicle and provides the maintenance service, [select a] the identified service provider being selected to provide the maintenance service when the identified service provider is within a predetermined distance from the current location of the vehicle [to attend to the condition].

152. (Amended) The system of claim 146 [wherein a distance between a location of the selected service provider and the current location of the vehicle is determined based on the respective] wherein the retrieved data includes GPS data.

153. (Amended) The system of claim 146 wherein the [selected service provider is selected based on the distance] data concerning the current location of the vehicle includes GPS data.

POSTCARD (To Be Filed With A Response)

Attorney Docket No. 04800-1028

PATENT APPLICATION FOR: Multimedia Information and Control System for Automobiles

INVENTORS: M. Obradovich

SERIAL NO. 10/058,341 **FILING DATE** 1/24/02 **DATE MAILED:** 7/31/02

THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATE STAMPED HEREON:

✓ Fee Transmittal
____ Missing Parts of Application Transmittal _____ Certificate of Mailing (Express or Regular) Fee $ _____
_____ Declaration _____ Combined Declaration/Power of Attorney _____ Petition for Extension of Time
_____ Power of Attorney _____ Small Entity Declaration
_____ Assignment + Fee $ _____ _____ Recording Transmittal
_____ Information Disclosure Statement _____ Form PTO 1449 with ____ References
_____ Request for Corrected Filing Receipt
_____ Amendment/Response _____; Petition for Extension of Time, Fee $_____ _____ Amendment Transmittal
_____ Notice of Appeal, Filing Fee $_____ _____ Appeal Brief, Filing Fee $ _____
_____ Issue Fee Transmittal and Advance Order Fee $ _____; Formal Drawings _____ No. of Sheets _____
_____ Affidavit/Declaration _____. Fee $ _____ _____ Terminal Disclaimer
_____ Petition $ _____ Fee $ _____
✓ Check No 20089 in the amount of $ 180.00 _____ Authorization to Charge Deposit Account
✓ OTHER Supplemental Information Disclosure Statement and 15 references.